



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Region 1
5 Post Office Square, Suite 100
Boston, MA 02109-3912

VIA ELECTRONIC FILING

December 22, 2014

Ms. Eurika Durr
Clerk of the Board
U.S. Environmental Protection Agency
Environmental Appeals Board
1201 Constitution Avenue, NW
U.S. EPA East Building, Room 3334
Washington, DC 20004

**RE: Charles River Pollution Control District
NPDES Permit Appeal No. 14-01; NPDES Permit No. MA0102598**

Dear Ms. Durr:

Please find EPA Region 1's letter in response to the Board's December 11, 2014 Order Requesting Additional Information, and accompanying Certificate of Service, in connection with NPDES Appeal No. 14-01.

Sincerely,

Samir Bukhari
Michael Curley
US Environmental Protection Agency
Office of Regional Counsel, Region I
5 Post Office Square - Suite 100
Mail Code: ORA 18-1
Boston, MA 02109-3912
Tel: (617) 918-1095
Fax: (617) 918-0095
Email: bukhari.samir@epa.gov

Enclosures



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5 Post Office Square, Suite 100
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December 22, 2014

Environmental Appeals Board
U.S. Environmental Protection Agency
1201 Constitution Avenue, NW
U.S. EPA East Building, Room 3334
Washington, DC 20004

**RE: Additional Information Regarding Municipal Satellite Systems
Charles River Pollution Control District
NPDES Permit Appeal No. 14-01; NPDES Permit No. MA0102598**

Dear Judges Hill, Fraser and Stein:

We are writing in response to the Board's Order Requesting Additional Information, dated December 11, 2014, in which the Board requested certain supplementary factual information from the parties. Of the Region, the Board specifically requested the following:

“...a list of permits where the Environmental Protection Agency (outside of Region 1) or an authorized NPDES State has issued a permit to publicly owned treatment works that include municipal satellite sewer collection system owners/operators as co-permittees. The Region should, the extent known, describe whether and how the owners/operators of municipal satellite sewer collection systems included as co-permittees applied for or otherwise became aware of their proposed status as co-permittees. In cases where multiple municipal satellite sewer collection systems convey wastewater to a single POTW, the Board would also like to know whether *all* the municipal satellite sewer collection systems were included as co-permittees or whether there are instances where some municipal satellite sewer collection systems were co-permittees while others were not. The Region should also provide the same information described in the previous sentence for permits issued by Region 1.”

Order at 1-2. In developing a list of permits in response to the Board's request, Region 1 searched its files and solicited information from its permitting management and staff. The Region also requested each Region 1 state with an authorized NPDES program—Maine, Vermont, Connecticut and Rhode Island—to conduct a similar inquiry. (The Region administers the NPDES program in Massachusetts and New Hampshire.) The Region identified 29 permits within Massachusetts, New Hampshire and Vermont that were responsive to the Board's Order.

EPA's Office of Water and Office of General Counsel coordinated the search with all other Regions. They contacted individual Regions, consulted state websites, and reviewed comments submitted in response to the 2010 SSO rule listening sessions. The Headquarters search did not yield any responsive results.

The Region has presented the information that it has gathered in tabular form as Attachment A. Region 1 permits may be accessed at <http://www.epa.gov/region1/npdes/index.html>.

Sincerely,

Samir Bukhari
Michael Curley
US Environmental Protection Agency
Office of Regional Counsel, Region I
5 Post Office Square - Suite 100
Mail Code: ORA 18-1
Boston, MA 02109-3912
Tel: (617) 918-1095
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Email: bukhari.samir@epa.gov

Enclosures

ATTACHMENT A

Permit	Public Notice to Municipal Satellite of Proposed Co-permittee Status	Other Contacts with Municipal Satellite Prior to Public Notice re Proposed Co-permittee Status	Date of Final Permit Issuance	Municipal Satellites Included in Permit	Application Process
Massachusetts					
Massachusetts Water Resources Authority – Clinton (NPDES Permit No. MA0100404)	08/11/2000	Based on a review of the permit record and discussions with the permit writer, EPA cannot confirm whether the municipal satellite co-permittees were notified of their proposed status prior to their receiving public notice of the draft permit.	09/27/2000	All municipal satellites were included on the permit.	Application requested from MWRA.
City of Brockton (NPDES Permit No. MA0101010)	05/18/2004	EPA sent the municipal satellites co-permittees pre-public notice of the draft permit.	05/11/2005	Six municipal satellites in total. Two satellites were included on permit. Four other satellites with smaller connected areas were not included.	Application requested from City of Brockton.
City of Marlborough (NPDES Permit No. MA0100480)	06/11/2004	Based on a review of the permit record and discussions with the permit writer, EPA cannot confirm whether the municipal satellite co-permittees were notified of their proposed status prior to their receiving public notice of the draft permit.	05/26/2005	All municipal satellite collection systems included on the permit.	Application requested from City of Marlborough.

Westborough Wastewater Treatment Plant (NPDES Permit No. MA0100412)	06/11/2004	Based on a review of the permit record and discussions with the permit writer, EPA cannot confirm whether the municipal satellite co-permittees were notified of their proposed status prior to their receiving public notice of the draft permit.	05/26/2005	Two satellite collection systems in total. One satellite collection system with smaller connected areas not included on the permit.	Application requested from Town of Westborough Wastewater Treatment Plant Board.
Lowell Regional Wastewater Utilities (NPDES Permit No. MA0100633)	05/24/2004	EPA notified at least one of the four municipal satellite co-permittees prior to public noticing the draft permit. EPA cannot confirm whether the other municipal satellite co-permittees were notified of their proposed status prior to their receiving public notice of the draft permit.	09/01/2005	All satellite collection systems included on the permit.	Application requested from Lowell Regional Wastewater Utilities.
Town of Webster Sewer Department (NPDES Permit No. MA0100439)	10/04/2005	Based on a review of the permit record and discussions with the permit writer, EPA cannot confirm whether the municipal satellite co-permittees were notified of their proposed status prior to their receiving public notice of the draft permit.	03/24/2006	All satellite collection systems included on the permit.	Application requested from Town of Webster Sewer Department.
Town of South Hadley, Board of Selectmen (NPDES Permit No. MA0100455)	10/24/2005	The municipal satellite co-permittees were notified prior to public noticing the draft permit.	06/12/2006	All satellite collection systems included on the permit.	Application requested from Town of South Hadley, Board of Selectmen.

City of Leominster (NPDES Permit No. MA0100617)	04/20/2006	The municipal satellite co-permittee was notified prior to public noticing the draft permit.	09/28/2006	All satellite collection systems included in the permit.	Application requested from City of Leominster.
Hoosac Water Quality District (NPDES Permit No. MA0100510)	07/27/2006	Based on review of the permit record and discussions with the permit writer, EPA cannot confirm whether the municipal satellite co-permittees were notified of their proposed status prior to their receiving public notice of the draft permit.	09/28/2006	All satellite collection systems included on the permit.	Application requested from Hoosac Water Quality District.
Board of Public Works, North Attleborough (NPDES Permit No. MA0101036)	08/10/2006	Based on review of the permit record and discussions with the permit writer, EPA cannot confirm whether the municipal satellite co-permittees were notified of their proposed status prior to their receiving public notice of the draft permit.	01/04/2007	All satellite collection systems included on the permit.	Application requested from Board of Public Works, North Attleboro.
Lynn Water and Sewer Commission (NPDES Permit No. MA0100552)	08/09/2006	Based on review of the permit record and discussions with the permit writer, EPA cannot confirm whether the municipal satellite co-permittees were notified of their proposed status prior to their receiving public notice of the draft permit.	03/03/2007	All satellite collection systems included on the permit.	Application requested from Lynn Water and Sewer Commission.
City of Haverhill (NPDES Permit No. MA0101621)	08/28/2007	Based on review of the permit record and discussions with the permit writer, EPA cannot confirm whether the municipal satellite co-permittees were notified of their proposed status	12/05/2007	All the satellite collection systems included on the permit.	Application requested from the City of Haverhill.

		prior to their receiving public notice of the draft permit.			
Greater Lawrence Sanitary District (NPDES Permit No. MA0100447)	05/27/2004	All five co-permittees were sent a pre-public notice copy of the draft permit.	08/08/2005	All the satellite collection systems included on the permit.	Application requested from Greater Lawrence Sanitary District.
City of Pittsfield, Department of Public Works (NPDES No. MA0101681)	12/28/2007	Based on review of the permit record and discussions with the permit writer, EPA cannot confirm whether the municipal satellite co-permittees were notified of their proposed status prior to their receiving public notice of the draft permit.	08/22/2008	Five municipal satellite communities in total. Four satellites included on the permit. One municipality with a smaller connected area was not included on the permit.	Application requested from City of Pittsfield, Department of Public Works.
City of New Bedford (NPDES Permit No. MA0100781)	05/22/2008	Based on review of the permit record and discussions with the permit writer, EPA cannot confirm whether the municipal satellite co-permittees were notified of their proposed status prior to their receiving public notice of the draft permit.	09/28/2008	All satellite collection systems included on the permit.	Application requested from City of New Bedford.
Charles River Pollution Control District (NPDES Permit No. MA	07/03/2008	On July 7, 2004, Betsy Davis, the EPA Region 1 permit writer assigned to the CRPCD permit, and Kathleen Keohane of MassDEP, met with Robert McRae, Executive Director of the CRPCD, for a site visit. At the site visit, Ms. Davis and Ms. Keohane discussed the addition of co-permittees on the District's renewed permit. The	07/23/2014	All satellite collection systems included on the permit.	Application requested from CRPCD.

		<p>Region explained that the Towns would be included as co-permittees for the purposes of O&M relative to their portions of the collection system.</p> <p>In 2008, EPA issued the first draft permit. Ms. Davis called the Towns before the first Draft Permit was sent out to inform them that they were to be included as co-permittees on the District's renewed NPDES permit.</p> <p>Several years later, in July 2012, as the Region was preparing to issue the partially revised Draft Permit, the permit writer's notes indicate that she called the Towns to tell them that EPA was going to place the revised partially Draft Permit on public notice and she would attend a meeting at the District on July 26, 2012 to answer questions on the partially revised Draft Permit. The permit writer's notes indicate she visited the District and met with Cheri Cousens, the Executive Director of CRPCD; the District's consultant, Jane Madden, of</p>			
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		CDM; and the Town of Millis and Franklin. At that meeting, Ms. Davis informed the District and the Towns that EPA was planning to issue the revised Draft Permit and the Towns would be co-permittees for limited purposes on the Permit.			
City of Westfield (NPDES Permit No. MA0101800)	08/25/2008	Based on review of the permit record and discussions with the permit writer, EPA cannot confirm whether the municipal satellite co-permittees were notified of their proposed status prior to their receiving public notice of the draft permit.	09/30/2009	All satellite collection systems included on the permit.	Application requested from City of Westfield.
Hull Permanent Sewer Commission (NPDES Permit No. MA0101231)	06/19/2009	Both co-permittees were notified prior to public noticing the draft permit via a pre-draft copy.	09/01/2009	All satellite collection systems included on the permit.	Application requested from Hull Permanent Sewer Commission.
Gardner Department of Public Works (NPDES Permit No. MA0100994)	12/12/2008	Based on review of the permit record and discussions with the permit writer, EPA cannot confirm whether the municipal satellite co-permittees were notified of their proposed status prior to their receiving public notice of the draft permit.	09/30/2009	There are two municipal satellite collection systems in total. One satellite collection system was included on the permit. One other municipality with a smaller area connected was not included on the permit.	Application requested from Gardner Department of Public Works.

MFN Regional Wastewater District	07/01/2013	One co-permittee (Norton) was notified (phone call) prior to public noticing the draft permit. Based on review of the permit record and discussions with the permit writer, EPA cannot confirm whether another co-permittee (Foxborough) was notified prior to public noticing the draft permit. The third co-permittee (Mansfield) was listed as the permittee on the draft permit and became a co-permittee in the final permit due to the formation of the MFN Regional Wastewater District after the permit was public noticed but before it was issued final.	09/11/2014	All satellite collection systems included on the permit.	Application requested from MFN Regional Wastewater District.
New Hampshire					
City of Keene (NPDES Permit No. NH0100790)	06/22/2006	Based on a review of the permit record and discussions with the permit writer, EPA cannot confirm whether the municipal satellite co-permittees were notified of their proposed status prior to their receiving public notice of the draft permit.	08/24/2007	All satellite collection systems included on the permit.	Application requested from City of Keene.
Town of Sunapee (NPDES Permit No. NH0100544)	12/22/2006	The single co-permittee was notified (phone call) prior to public noticing the draft permit.	02/21/2007	All satellite collection systems included on the permit.	Application requested from Town of Sunapee.

Town of Hampton (NPDES No. NH0100625)	07/17/2007	Based on a review of the permit record and discussions with the permit writer, EPA cannot confirm whether the municipal satellite co-permittees were notified of their proposed status prior to their receiving public notice of the draft permit.	08/28/2007	All satellite collection systems included on the permit.	Application requested from the Town of Hampton.
City of Concord (NPDES Permit No. NH0100331)	05/15/2007	Based on a review of the permit record and discussions with the permit writer, EPA cannot confirm whether the municipal satellite co-permittee was notified of its proposed status prior to its receiving public notice of the draft permit.	06/29/2007	All satellite collection systems included on the permit.	Application requested from the Town of Concord.
City of Manchester (NPDES No. NH0100447)	07/14/2008	Based on a review of the permit record and discussions with the permit writer, EPA cannot confirm whether the municipal satellite co-permittees were notified of their proposed status prior to their receiving public notice of the draft permit.	09/25/2008	All satellite collection systems included on the permit.	Application requested from the City of Manchester.
Town of Merrimack, NH (NPDES No. NH0100161)	08/14/2007	Based on a review of the permit record and discussions with the permit writer, EPA cannot confirm whether the municipal satellite co-permittees were notified of their proposed status prior to their receiving public notice of the draft permit.	09/25/2007	All satellite collection systems included on the permit.	Application requested from Town of Merrimack.

Winnepesaukee River Basin Program Wastewater Treatment Plant (NPDES Permit No. NH0100960)	06/26/2008	All eight co-permittees were notified (phone calls) prior to public noticing the draft permit.	06/19/2009	All satellite collection systems included on the permit.	Application requested from Winnepesaukee River Basin Program Wastewater Treatment Plant.
Vermont					
South Burlington (NPDES Permit No. VT0100366)	10/09/2007	The single co-permittee signed the permit application form.	11/15/2007	All satellite collection systems included on the permit.	The single co-permittee signed the permit application form.
Essex Junction (NPDES Permit No. VT0100111)	02/11/2004	The single co-permittee signed the permit application form.	03/16/2004	All satellite collection systems included in the permit.	The single co-permittee signed the permit application form.

CERTIFICATE OF SERVICE

I hereby certify that copies of the Region's December 22, 2014 Letter re Additional Information Regarding Municipal Satellite Systems, in the matter of Charles River Pollution Control District, NPDES Appeal No. 14-01, were served on the following persons in the manner indicated:

By Electronic Filing:

Ms. Eurika Durr
Clerk of the Board
U.S. Environmental Protection Agency
Environmental Appeals Board
1201 Constitution Avenue, NW
U.S. EPA East Building, Room 3334
Washington, DC 20004

By U.S. Mail and Electronic Mail:

Robert D. Cox, Jr., Esq.
Norman E. Bartlett, II, Esq.
Jennifer Garner
Bowditch & Dewey
311 Main Street
P.O. Box 15156
Worcester, MA 01615-0156

Fredric P. Andes
Tammy L. Helminski
BARNES & THORNBURG LLP
One North Wacker Drive, Suite 4400
Chicago, Illinois 60606
Phone: (312) 214-8310
Fax: (312) 759-5646

Nathan Gardner-Andrews
Amanda Waters
NATIONAL ASSOCIATION OF CLEAN
WATER AGENCIES
1816 Jefferson Place, NW
Washington, D.C. 20036-2505
Phone: (202) 833-3692

Dated: December 22, 2014

Samir Bukhari